

UNITED STATES DISTRICT COURT

for the

## Western District of North Carolina

United States of America )  
v. )  
DARRYL LAMAR BYRD ) Case No: 3:04CR136  
Date of Previous Judgment: 07/18/2006 ) USM No: 19641-058  
(Use Date of Last Amended Judgment if Applicable) ) Tanzania C. Cannon-Eckerle  
 ) Defendant's Attorney

## **Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 56 months months is reduced to 45 months .

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 21 Amended Offense Level: 19  
Criminal History Category: III Criminal History Category: III  
Previous Guideline Range: 46 to 57 months Amended Guideline Range: 37 to 46 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

### III. ADDITIONAL COMMENTS

It is further ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Officer.

Except as provided above, all provisions of the judgment dated 07/18/2006 shall remain in effect.

IT IS SO ORDERED.

Order Date: August 11, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)

*Frank D. Whitney*  
Frank D. Whitney  
United States District Judge